

Message Text

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21

ORIGIN L-02

INFO OCT-01 ISO-00 PA-02 JUSE-00 AF-06 ARA-10 EA-10 EUR-12

NEA-09 CIAE-00 DODE-00 PM-03 H-02 INR-07 NSAE-00

NSC-05 PRS-01 SP-02 SS-15 USIA-15 SY-04 /106 R

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS

UNCLAS STATE 037796

INFORM CONSULS

E.O. 11652: N/A

TAGS:OGEN

SUBJECT: AMENDED FREEDOM OF INFORMATION ACT

REFTEL; STATE 34353

INFORM CONSULS

1. DEPT WISHES TO EMPHASIZE THAT ALL TELEGRAMS CONTAINING
CLASSIFIED INFORMATION FURNISHED BY FOREIGN GOVERNMENTS
OR INTERNATIONAL ORGANIZATIONS AND ALL CLASSIFIED
MATERIALS RECEIVED FROM SUCH SOURCES AND HELD BY THE U.S.
ON THE UNDERSTANDING THAT THEY BE KEPT IN CONFIDENCE
SHOULD BEAR THE DESIGNATION XGDS1 IN THE E.O. 11652 LINE.
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THIS XGDS NOTATION NOT ONLY INDICATES THAT THE MATERIAL

OR INFORMATION DERIVES FROM A FOREIGN SOURCE BUT ALSO EXEMPTS IT FROM THE GENERAL DECLASSIFICATION SCHEDULE WHICH APPLIES TO OTHER CLASSIFIED MATERIAL WITHOUT AN

XGDS1, 2, 3, OR 4 NOTATION.

2. FURTHERMORE, THE DEPT RECOMMENDS THAT THE ACRONYM XGDS1 BE USED WHERE APPROPRIATE IN OTHER DOCUMENTS SUCH AS MEMORANDUMS OF CONVERSATION AND NOTES TO BE INCLUDED IN A FILE AS A SHORTHAND NOTATION FOR THE PHRASE

"CLASSIFIED INFORMATION FURNISHED BY FOREIGN GOVERNMENTS OR INTERNATIONAL ORGANIZATIONS AND HELD BY THE UNITED STATES ON THE UNDERSTANDING THAT IT BE KEPT IN CONFIDENCE." CAREFUL USE OF THE XGDS1 NOTATION WILL BE ESPECIALLY IMPORTANT UNDER THE 1974 AMENDMENTS TO THE FREEDOM OF INFORMATION ACT; IT WILL ESTABLISH THAT SUCH INFORMATION IS ENTITLED TO THE PROTECTION CALLED FOR UNDER E.O. 11652, IE, THE SAME DEGREE OF PROTECTION AS WOULD BE GIVEN BY THE SOURCE GOVERNMENT OR ORGANIZATION.

3. ANOTHER PORTION OF THE 1974 AMENDMENTS TO THE FREEDOM OF INFORMATION ACT STATES THAT ANY REASONABLY SEGREGABLE PORTION OF A RECORD SHALL BE PROVIDED TO ANY PERSON REQUESTING SUCH RECORD AFTER DELETION OF THE PORTIONS WHICH ARE EXEMPT. NORMALLY A PORTION OF A RECORD SHALL BE CONSIDERED REASONABLY SEGREGABLE WHEN SEGREGATION CAN PRODUCE AN INTELLIGIBLE RECORD WHICH IS NOT DISTORTED OUT OF CONTEXT AND DOES NOT CONTRADICT THE RECORD BEING WITHHELD. DEPARTMENT THUS STRONGLY URGES THAT ALL DOCUMENTS BEARING CLASSIFIED INFORMATION FURNISHED BY FOREIGN GOVERNMENTS OR INTERNATIONAL ORGANIZATIONS AND HELD BY THE UNITED STATES ON THE UNDERSTANDING THAT IT BE KEPT IN CONFIDENCE, AS WELL AS OTHER CLASSIFIED INFORMATION, CLEARLY INDICATE WHERE SUCH INFORMATION BEGINS AND ENDS. FOR EXAMPLE, IF A TELEGRAM OR MEMORANDUM CONTAINS INFORMATION WHICH IS IN PART CLASSIFIED UNDER THE XGDS1 EXEMPTION, THE DRAFTING OFFICER SHOULD INDICATE WHICH SENTENCES OR PARAGRAPHS COME WITHIN THE XGDS1 HEADING, IE, BEGIN XGDS1: ...
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END XGDS1.

4. SUCH PRECAUTIONS WILL AFFORD MORE EFFECTIVE PROTECTIONS TO THE CONFIDENTIALITY REQUESTED BY THE CONCERNED FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION AND WILL GREATLY FACILITATE SUBSEQUENTLY RECEIVED FREEDOM OF INFORMATION REQUESTS. KISSINGER

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